

APPLICANT'S REMARKS

Election/Restriction:

The examiner argues that Applicant's method "could be practiced with another materially different product that does not require the focused traction force means or the stand means as recited in group I" (Examiner's emphasis).

The applicant's standing frame means and his "traction force focusing means" is the only structure that can be used to perform his claimed method. To produce a focused traction force under the specific conditions to achieve the claimed results can only be produced with the claimed structure that's provided in the first claimed method step of Claims 16-19. The use of Applicant's claimed structure must be written in a method step format. No other subclasses need to be searched for acting on Applicant's method claims.

Applicant's objections and traversal of the requirement for restriction remains.

Claim Objections and Rejections under 35 USC § 112:

Claim 3, 6-7 are amended to specifically refer to "said vertical traction suspension position." Amended Claims 1, 9, and 16 expressly characterize the "frame means" as "standing frame means." For the frame means must be "standing" for the torso harness means to "depend downwardly from said frame means" so that the harness means is "effective to maintain a person in a vertical traction suspension position after the person dons said harness means," and for the "traction force focusing means" to apply a "focused traction pressure directly to a selected location along the spine of the person who is in said vertical traction suspension position."

The remaining amendments correct spelling errors and provide consistent language throughout the claims so that any mis-characterization of the meaning of words can be avoided.

In his last response, Applicant provided an insert at page 3 of his written description that fully explains how Applicant's "traction force focusing means" (pad element means 25) simply takes advantage of the principle that for every force applied in one direction there is an equal opposite force. The person in the claimed "vertical traction suspension position" attained in Applicant's claimed structure simply focuses the amount of body weight that is effective to produce a traction force known to be produced in existing traction systems. Applicant's claimed structure simply more effectively uses that force of about 40% of the suspended person's body weight by applying it to a selected location along the person's spine rather than being distributed along the entire length of the spinal column. In contrast, the Chitwood, Nelson, and Burton structures, on which the examiner argues Applicant's claimed invention reads, specifically distribute that body weight along the entire length of the person's spinal column.

No new matter is introduced and no new issues are raised that have not been previously presented. Withdrawal of the objections and rejections under 35 USC § 112 is requested.

Definitions of Terms Used in Applicant's Claims and the Prior Art References:

To insure full and accurate communication with the PTO, and in view of arguments presented in the outstanding office action, the ordinary meaning of specific terms related to the determination of patentability of Applicant's invention is required.

Webster's New Third International Dictionary (the Dictionary) defines *freestanding* as "standing alone or on its own foundation free of architectural or supporting frame or attachment;" *occipital bone* as "a compound bone that forms the posterior part of the skull and surrounds the foramen magnum bearing condyle or condyles for articulation with the atlas in vertebrates;" *standing* as "upright on the feet or in place: erect;" *suspension* as "an act of hanging or the state of being

hung,” and *vertical* as “perpendicular to the plane of the horizon or to a primary axis.” See attached respective pages 907, 1560, 2224, 2303, and 2546 of the Dictionary.

The Rejections:

Claim 1 is rejected under 35 USC § 102(b) as being anticipated by Chitwood (5,662,597).

Claim 9 is rejected under 35 USC § 102(b) as being anticipated by Burton (4,205,665).

Claims 1, 7, and 10-14 are rejected under 35 USC § 103(a) as being unpatentable over Nelson (4,890,604).

Claims 2-6, 8, and 15 are rejected under 35 USC § 103(a) as being unpatentable over Nelson in view of Burton.

The Arguments

102 Rejection of Claim 1 over Chitwood:

The examiner states that the Chitwood “adjustable inclined table ... would place the user in a vertical traction suspension. Claim 1 requires a “harness means” “effective to maintain a person in a vertical traction suspension position after the person dons said harness means.” A user’s “vertical traction suspension position” requires the user to be “perpendicular to the plane of the horizon or to a primary axis.” Chitwood discloses no such harness means that depends downwardly from a standing frame means to produce the recited function. In contrast, Chitwood’s harness is disposed along an inclined surface, and the user is never in a “vertical traction” hanging position so that the person’s body is “perpendicular to the plane of the horizon or to a primary axis.”

Chitwood’s “head and neck support structure” 20 produces a “gravity force from the user’s/patient’s body on the occipital bone at the back of the head of the patient or user to provide adequate stretching of the cervical area of the neck” (Col 5, lns 10-14). The occipital bone is in the

posterior of the head and *not in the spinal column* as the examiner argues. So structure 20 is not a “traction force focusing means.”

For these reasons, Chitwood cannot anticipate Applicant’s claim 1.

102 Rejection of Claim 9 over Burton:

The examiner states that Burton’s apparatus uses “the force of gravity” for “spinal traction therapy.” Frame means 54 is a rotating structure not a standing structure that is necessary for Applicant’s harness means to “depend downwardly from” his frame means to enable the user to suspend or hang “perpendicular to the plane of the horizon or to a primary axis” as set forth in claim 9. Burton’s foot stop 93 does not have a surface to perform the claimed function, but is merely “a safety device to help protect the patient from a fall if one of the primary support elements fails.” Burton’s lower platform 96 is used to clamp his contraption to the bed and provides no surface upon which the patient can stand to do anything let alone to perform the specific functions recited in claim 9. And the donning of Burton’s harness cannot be effected by the user but must be assisted by another person. In contrast, if necessary, a user of Applicant’s assembly needs no assistance to don the claimed harness means to receive the benefits of the claimed device. No such benefits exist in using the Burton assembly. See Burton, Col 5, lns 35-43.

103 Rejection of Claims 1, 7, and 10-14 over Nelson:

Nelson discloses embodiments of a traction table assembly having a standing frames 14 and 119 with respective rotatable table assemblies 15 and 120 mounted thereon. In turn, table assemblies 15 and 120 respective patient platforms 17 and 122 in which the horizontally positioned patient is strapped by a conventional body strap 43 that does not depend downwardly from the table assembly but extends upwardly from it (Col 5, lns 40-42). The user’s body is held to the slidable platforms 17

and 122 with the additional help of head and foot restraints (not in Applicant's claimed assembly) so that the patient platform assemblies move "freely in a direction parallel to the [respective frames 16 and 122] with the extremities of the patient restrained, thus inducing traction in the patient according to the inclination and the patient weight." No teaching of a harness means for supporting the user in a "vertical traction suspension position." And contrary to the examiner's assertions, platforms 17 and 122 (comprising interconnected "wheeled trolley units 145-147") distribute the traction force "over the body length of the patient" without any focused traction pressure from an "traction force focusing means." See Col 5, lns. 55-58.

In view of the foregoing analysis, Nelson's frame means 17 and 122 are not "standing" or "freestanding;" no torso harness means perform Applicant's claimed functions; and the single wheeled trolley 147 provides no focused pressure to the prone patient's back any more than do connected trolleys 145, 146, or 148. Applicant's traction force focusing means is connect to backboard means but the examiner alleges that the movably mounted trolleys are somehow equivalent to Applicant's fixedly adjustable traction force focusing means. The trolleys cannot be tightened to the track 122. If they were, the Nelson assembly would not be usable for its intended purpose. And nothing in Nelson shows a patient hanging in a perpendicular position as required in the claims.

103 Rejection of Claims 2-6, 8, and 15 over Nelson in view of Burton:

As fully discussed above, neither Nelson nor Burton disclose any of Applicant's claimed structures and their functions. Therefore, neither of Nelson or Burton teaches one having ordinary skill in the art that would enable such a person to practice Applicant's invention or lead him to do what Applicant has invented. So even if the combination of the references were appropriate, which

categorically refutes, the resultant combination of teachings would still not lead one having ordinary skill in the art to produce Applicant's claimed invention.

Nothing exists in either of the Nelson or Burton references that would lead an ordinarily skilled artisan to combine them as the examiner suggests without knowledge gleaned from Applicant's own disclosure. Such use of Applicant's own disclosure is without authority under the Patent Law.

Conclusion

Applicant's earlier amendments did not necessitate the new grounds of rejection over Nelson as the examiner alleges. Applicant is entitled to respond to the various new arguments raised for the first time in his final rejection despite the fact that all of the issues regarding the existing rejections. Applicant's amendments necessitated by the examiner's mis-characterization of the Chitwood, Nelson, and Burton assemblies now place the application in condition for allowance.

Reconsideration of Applicant's claims is earnestly solicited and early allowance of the claims is respectfully requested.

Respectfully submitted,

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